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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Item 5 (a) of the provisional agenda

QUESTION OF THE REALIZATION IN ALL COUNTRIES OF THE ECONOMIC, SOCIAL AND CULTURAL RIGHTS CONTAINED IN THE UNIVERSAL DECLARATION OF HUMAN RIGHTS AND IN THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS, AND STUDY OF SPECIAL PROBLEMS WHICH THE DEVELOPING COUNTRIES FACE IN THEIR EFFORTS TO ACHIEVE THESE HUMAN RIGHTS

PROBLEMS RELATED TO THE RIGHT TO ENJOY AN ADEQUATE STANDARD OF LIVING; FOREIGN DEBT, ECONOMIC ADJUSTMENT POLICIES AND THEIR EFFECTS ON THE FULL ENJOYMENT OF HUMAN RIGHTS AND, IN PARTICULAR, ON THE IMPLEMENTATION OF THE DECLARATION ON THE RIGHT TO DEVELOPMENT

Written statement submitted by International Humanist and Ethical Union, a non-governmental organization on the Roster

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[19 March 1996]

1. Problems of human rights and duties are often assumed to apply mainly to developing States, and agenda item 5 itself offers a good example of that special stress. But, since 1990 in particular, new threats to economic and social rights have mushroomed in the richer or supposedly developed world and spread like a pandemic to developing States. There are two related phenomena, in reality sparked by the so-called "ending of the Cold War". The first is a new vogue - a wholesale privatizing of "natural monopolies" that in reality are essential public services. Electricity, gas and water supply offer examples, but the list is longer than this.

2. Anyone familiar with such services will know that in general privatizing offers no inbuilt gain in public economic efficiency. This new vogue arises

either from motives of one-off and short-term financial gain, or simply from ideology, and has spread worldwide simply by imitation. There is a second new vogue - to replace long-standing efforts at job stability by unregulated and casualized employment - temporary, part-time, home or contract working.

3. How, then, do these new fashions impinge on economic and social rights? First, widespread casualized working is having a devastating effect on workforce morale, on youth and male employment and on what have been normal career prospects. It acts to destroy cohesive social structures and to produce hidden social costs through insecurity, mental as well as physical ill-health, and what the sociologist Durkheim described as a general disorientation or anomie. Rights to life, health and work are alike undermined by this newly enforced competitive drive - to please shareholders in the upper half of the income scale and avoid takeovers - all at the expense of the lower half of the working population.

4. Suppose we return now to the first question - this new mania to privatize our public patrimony. Invariably this is done without any public consultation. Is there here no possible dereliction of human rights? Essential public services have a single legal obligation - to meet common public needs as they arise, to remain in balance but not to be diverted by the aim of creating profits for private interests. The legal regime and performance of public electricity undertakings illustrate perfectly their obligation to meet ever-fluctuating instantaneous demands, free from all secondary or diversionary motives. In the developed world today's experience of newly privatized services of this kind is already tending to show some danger to overall security, plus a raising of unit costs to the consumer.

5. In their possible legal ramifications, these questions have received little attention so far. At national level there may here be a question as to how far essential public property can legally be appropriated for extraneous purposes, and without any public consultation. There are also questions as to hazards to safety or reliability arising from such arbitrary action. At international level, too, it is not clear how far the International Covenant on Economic, Social and Cultural Rights - or, say, article 2 of the Declaration on the Right to Development - are pertinent in this context. But certainly the second question - a move away from regulated employment rights or conditions - is having substantial and harmful effects on the security and well-being of large populations throughout the world. At a previous session it was already being observed that there is now place for a "second generation" of human rights. Comments already before the Commission relating to new draft principles on human rights and the environment show clearly how the State's responsibilities for public provision, and for broad working conditions, impinge on environmental as well as other economic and social rights.

6. It seems that our frame of essential human rights is still far from complete. An empirical search for rights, framed in the abstract and lacking any real definitions, cannot match today's growing complexity of economic life. We need to back those essential rights to life, health and work with a "second generation" - a set of principles that can define more clearly the conditions in which human development can proceed.

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